

# Notice of Allowability

Application No.

10/711,340

Examiner

Lars A. Olson

Applicant(s)

SAITO, HIDEAKI

Art Unit

3617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on August 8, 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Reasons for Allowance**

1. An amendment was received from the applicant on August 8, 2005.
2. Claims 1-8 are allowed.
3. The following is an examiner's statement of reasons for allowance. The hydraulic system for controlling the position of an outboard drive as claimed is not shown or suggested in the prior art because of the use of a hydraulic system that is comprised of a cylinder body assembly with a piston that divides a bore of said cylinder body into two chambers, a piston rod attached to said piston and connected to one of an outboard drive or a hull, said cylinder body being attached to the other of said outboard drive or said hull to effect movement of said outboard drive relative to said hull upon pressurization of one of said chambers, and a hydraulic system that is further comprised of a pump, a first check valve interposed between said pump and one of said chambers, and adapted to be opened upon pressurization for flow toward one of said chambers, and a second check valve interposed between said first check valve and one of said chambers in series configuration with said first check valve, and adapted to be opened upon pressurization for flow toward one of said chambers, where either said first or second check valve is capable of precluding flow from one of said chambers when not pressurized.
4. The prior art as disclosed by Hall et al. (US 4,064,824) shows the use of a hydraulic system that is comprised of a cylinder body assembly in combination with a hydraulic system that is further comprised of a reversible pump, a first check valve that

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is interposed between said pump and a chamber of said cylinder body, and is adapted to be opened upon pressurization for flow toward said chamber, and a second check valve that is interposed between said first check valve and said chamber in parallel configuration with said first check valve, and is adapted to be opened upon pressurization for flow toward said chamber, where both said first and second check valves must be closed in order to preclude flow from said chamber when not pressurized. Nakase (US 4,702,714) discloses a hydraulic system that includes first and second check valves, where said second check valve is part of a single check valve shuttle valve with a closed end bore. Therefore, none of the prior art cited shows or suggests the use of a hydraulic system for controlling the position of an outboard drive, said hydraulic system being comprised of a cylinder body assembly with a piston that divides a bore of said cylinder body into two chambers, a piston rod attached to said piston and connected to one of an outboard drive or a hull, said cylinder body being attached to the other of said outboard drive or said hull to effect movement of said outboard drive relative to said hull upon pressurization of one of said chambers, and a hydraulic system that is further comprised of a pump, a first check valve interposed between said pump and one of said chambers, and adapted to be opened upon pressurization for flow toward one of said chambers, and a second check valve interposed between said first check valve and one of said chambers in series configuration with said first check valve, and adapted to be opened upon pressurization for flow toward one of said chambers, where either said first or second check valve is capable of precluding flow from one of said chambers when not pressurized.

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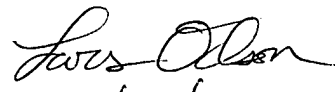
**Conclusion**

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

December 28, 2005

LARS A. OLSON  
PRIMARY EXAMINER

  
12/28/05